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| 10/616,459      | 07/09/2003  | Chad A. Ryan         | 47079-00191         | 1053             |

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| EXAMINER |
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DEODHAR, OMKAR A

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| ART UNIT | PAPER NUMBER |
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3714

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 03/15/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/616,459

Applicant(s)

RYAN, CHAD A.

Examiner

Omkar A. Deodhar

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :7/9/03,5/6/04,5/26/04,11/12/04,12/27/04,12/05/05.

**DETAILED ACTION**

**Non-Final Rejection**

***Specification***

The status of all citations of US filed applications in the specification should be updated where appropriate.

***Information Disclosure Statement***

Initialed and dated copies of Applicant's IDS 1449 forms are attached to the instant Office action.

***Claim objections***

Claim 9 is objected to because of the following informalities: "replitiously" should be changed to "repetitiously." Appropriate correction is required.

***Claim Rejections - 35 USC § 112, second paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Verbiage used, "repeating said reading said next second-predetermined amount of data step and said determining whether said ..." is unclear.

Examiner interprets this claim as performing the same functions as in claim 1, albeit on another memory device. Clarification and/or correction are required.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14, 16-29 and 31 are rejected under 35 U.S.C. 102(e) as being unpatentable over Ginsburg et al. (US 6,595,856 B1), (hereafter: Ginsburg).

Ginsburg discloses a method and apparatus for securing the game program software and related files used by a gaming device and for authenticating such files during game startup and play, (Abstract). Ginsburg further discloses a gaming machine comprising a user interface, (Col. 2. lines 50-60), a CPU coupled to user interface (Col. 3. lines 8-15), multiple memory devices (Col. 3. lines 41-53), and authentication occurring after predetermined time periods, (Col. 8. lines 41-64).

Regarding claims 1 and 11, Ginsburg discloses the following:

Authenticating memory devices' data within a gaming machine while the gaming machine is operating, (Col. 1. lines 59-67 & Col. 2. lines 1-6), that the authentication of memory devices' data can be done in parallel (Col. 8. lines 36-40), reading predetermined amounts of data from memory devices and subsequently either reading additional data or authenticating data in the form of executable code, (Figures 4 & 5). The feature of reading from, or authenticating a second memory, is discussed below with respect to claims 7 and 8.

Regarding claims 2-6, 9, 17, 19, 25 and 26, Ginsburg discloses the following:

Repeated (substantially ongoing / repetitious, as claimed) authentication while the gaming machine is operating (Col. 2. lines 4-6), authentication until no further authentication can take place (Col. 8. lines 16-22), where Examiner notes that each and every test must pass prior to play and this is interpreted as in claim 3, predetermined amounts of data (files) (Figure 4, where Examiner notes that the Hash Programs/Data Files are predetermined amounts of data), volatile memory device containing gaming machine programs (Col. 9. lines 28-32), the authentication of graphic data (Col. 1. lines 17-23), and that graphics and executable code are both compiled data, (Col. 1. lines 63-64, where it is noted that the graphics and executable data are each compiled by the manufacturer).

Regarding claims 7,8,12,14 and 29, Ginsburg discloses that a second memory (or even a third memory, as in claim 16, please see below) device other than the authentication ROM, such as CD-ROM or mass storage may be used in the authentication scheme disclosed (please refer to the relevant citations above, as they are incorporated in these rejections as well), (Col. 3. lines 28-34 & Col. 3. lines 41-53), the extensive use of Hashing functions, (Col. 4. lines 40-67, Col. 5-7).

Regarding claims 10,18 and 24 Ginsburg discloses a predetermined amount of time, after which the authentication process is repeated, (Col. 8. lines 41-64). Claim 10, in its broadest reasonable interpretation is ensuring that the authentication process takes place after a predetermined amount of time. Therefore, the Examiner's position is that Ginsburg discloses the claimed limitation.

Regarding claim 13, Ginsburg discloses the use of high capacity storage memory devices, (Col. 3. lines 51-53).

Regarding claims 16 and 17, Ginsburg discloses reading subsequent data sets from different data storage devices (first memory, followed by third memory, as claimed), (Figure 5, item 510). The examiner notes that this teaching is interpreted as reading different data and authenticating each data package (program, file, graphic, etc) received. Note that although this Figure does not necessarily show the authentication of different memory devices in parallel, Ginsburg as presented above, discloses that the authentication of different devices' data can be performed in parallel.

Regarding claims 20 and 23, Ginsburg discloses the claimed limitations as presented above with respect to the features of claims 1-14 and 16-19.

Regarding claims 21 and 22, Ginsburg discloses first and second memory that are volatile (RAM) or non-volatile (ROM, CD-ROM, mass storage devices), (Col. 3. lines 28-34 & Col. 3. lines 41-53).

Regarding claims 27 and 28, Ginsburg discloses the authentication process in a serial, repetitious manner, (Figures 4 and 5, where it is noted that these Figures were also cited for the embodiment of parallel authentication, that this – both serial and parallel authentication are disclosed in the figures and relevant citations presented above, respectively.)

Regarding claim 31, Ginsburg discloses the use of signatures to determine data authenticity, (Col. 4. lines 8-10).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsburg et al. (US 6,595,856 B1), (hereafter: Ginsburg).

Regarding claims 15 and 30, Ginsburg does not explicitly disclose the use of Cyclic Redundancy Check (CRC) in the authentication process. However, Ginsburg discloses that it is obvious to those skilled in the art to use authentication processes other than hashing and the digital signature in order to secure game software and files, (Col. 4. lines 8-10).

The use of CRC in data verification and authentication is very well known to those skilled in the art, and has been used in industry for decades.

Therefore, it would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have added the feature of CRC authentication to the device of Ginsburg for the purpose of securing the game software and related data files used by a casino gaming machine. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.



***Remarks***

No claim is allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omkar A. Deodhar whose telephone number is 571-272-1647. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Reneau  
Primary Examiner  
3/14/07